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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED 2008 APR 21 AM 11: 11

UNITED STATES OF AMERICA, Plaintiff, v. **Gerardo DIAZ-Rios,** Defendant(s)	Magistrate Case No. '08 MJ 1215 KNH COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii) Bringing in Illegal Aliens Without Presentation

The undersigned complainant, being duly sworn, states:

On or about **April 18, 2008,** within the Southern District of California, defendant **Gerardo DIAZ-Rios**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Sigifrido RIVERA-Sandoval, Marcos Alberto CARPIO-Teposte, Felipe LUA-Bustos,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21st DAY OF APRIL 2008

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Gerardo DIAZ-Rios

JDME

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Sigifrido RIVERA-Sandoval, Marcos Alberto CARPIO-Teposte and Felipe LUA-Bustos** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 18, 2008, while performing official duties near Boulevard, California, wearing full uniform and driving a marked Agency vehicle Senior Patrol Agent Brian C. Nash received a report from Border Patrol Agent Juan Rivera that a citizen told him there was a group of ten suspected illegal aliens near a large rock pile about 200 yards south of his residence on Jewell Valley Road in Boulevard, California. This residence is approximately a mile and a half north of the United States/Mexico International Border and approximately 20 miles east of the Tecate, California Port of Entry. Also, this area is heavily traveled by illegal aliens attempting to further their entry north into the United States. At approximately 4: 25 p.m. Agent Nash went to the address and spoke to the citizen who pointed out the general location where he had seen the group. He further stated that when he initially saw the group they were walking north but as they saw him they crouched down and then got up and started running to the southeast. Agent Nash then went to the large rock pile that the citizen indicated and there encountered foot sign for a group of ten or more individuals. Agent Nash followed the foot sign and encountered thirteen individuals hiding in several Manzanita bushes approximately 50 yards east of the Jewell Valley Road and Jewell Valley Way intersection. The foot sign that Agent Nash followed matched the shoes that the individuals were wearing. In the Spanish language, he identified himself again and commanded them to exit the bush. All subjects complied and Agent Nash questioned them individually as to their citizenship. All thirteen of the subjects, including one later identified as **Gerardo DIAZ-Rios**, freely admitted to being citizens and nationals of Mexico illegally present in the United States. They further admitted that they did not have the proper documents to enter or remain in the United States legally; all subjects were placed under arrest and transported to the Boulevard Station for further processing.

DEFENDANT STATEMENT:

DIAZ stated that he was born on October 2, 1961 in Oaxaca, Mexico. DIAZ was asked by Border Patrol Agent Navarro whether he was under the influence of alcohol or any mind-altering drugs. DIAZ stated that he is not under the influence of any drug. DIAZ mentioned that he has been ordered removed from the United States in prior years. DIAZ also mentioned that he has used the alias name of Arturo GONZALEZ-Robles. DIAZ also stated that he does not possess any immigration documents that would allow him to come into/be in or remain in the United States.

DIAZ was questioned as to his involvement in the event that happened this afternoon April 18, 2008. DIAZ was contacted by a person by the name of RAMIREZ-Contreras, Genaro who offered him the job to smuggle and transport twelve illegal aliens to Oceanside, California. DIAZ mentioned that he is usually paid $150.00 dollars for each illegal alien he smuggles illegally into the United States. DIAZ also mentioned that he has prior smuggled illegal aliens in sixteen separated occasion including eight where he has been apprehended by the Border Patrol. DIAZ stated that for smuggling the group this time, he would be provided transportation to San Jose, California, in exchange for the amount of money that he usually gets paid. DIAZ mentioned that he accepted. On April 18, 2008 approximately 7:00 a.m., the group started walking north towards the border fence. The group walked for approximately 20 minutes before they jumped the fence and ran north towards Boulevard, California. DIAZ plans were to load the group and later transport the group to Oceanside,

CONTINUATION OF COMPLAINT:
Gerardo DIAZ-Rios

California where the group was to be dropped off. Later the same day DIAZ was to be transported to San Jose, California to see his father. DIAZ repeatedly mentioned, that **Genaro RAMIREZ-Contreras**, was going to provide transportation for DIAZ travel to San Jose, California. DIAZ admitted that he has guided groups of illegal aliens before and that he has previously been arrested in the same area guiding groups of illegal aliens.

MATERIAL WITNESSES STATEMENTS:

Material Witnesses **Sigifrido RIVERA-Sandoval, Marcos Alberto CARPIO-Teposte and Felipe LUA-Bustos** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Tijauna, Mexico to be smuggled into the United States. All the material witnesses stated that they were to pay an unspecified amount to be smuggled to various parts of California. All the material witnesses stated that a foot guide led them across the border. When shown a photographic lineup containing 13 individuals, Material Witnesses **RIVERA, CARPIO** and **LUA** were able to identify the defendant **Gerardo DIAZ-Rios** as the foot guide.

Executed on April 20, 2008 at 10:00 a.m.

Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **2** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **April 18, 2008,** in violation of Title **8**, United States Code, Section **1324**.

Jan M. Adler
United States Magistrate Judge

4/20/08 @ 12:54 p.m.
Date/Time